

AMENDED IN ASSEMBLY AUGUST 24, 2006

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN SENATE MAY 18, 2006

AMENDED IN SENATE APRIL 17, 2006

## SENATE BILL

**No. 1826**

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**Introduced by Senator Migden**

February 24, 2006

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~~An act to amend Section 44321 of the Health and Safety Code, relating to air pollution. An act relating to surplus property, and making an appropriation therefor.~~

### LEGISLATIVE COUNSEL'S DIGEST

SB 1826, as amended, Migden. ~~Air toxics: bioaccumulative substances. Surplus state property.~~

*(1) Existing law authorizes the Director of General Services to dispose of state surplus property, subject to specified conditions, including authorization by the Legislature. The director is authorized to sell, lease, exchange, or transfer specified parcels in this regard for fair market value or current market value, subject to specified conditions.*

*This bill would authorize the director to sell, exchange, or lease approximately 0.39 of an acre of unimproved property located north of Golden Gate Avenue at Gough and Franklin, in the City of San Francisco, San Francisco County, for fair market value, or upon specified terms and conditions. The bill would require the director, if that property is disposed of by a means other than being sold, exchanged, or leased for fair market value, to report specified information to the chairs of the legislative fiscal committees 30 days*

prior to completing a transaction regarding these parcels. The bill would exempt the sale, exchange, or lease of the specified parcel from specified provisions of the California Environmental Quality Act.

(2) Under the California Constitution and existing state statutory law, the net proceeds from the sale of surplus state property are required to be used to pay the principal and interest on bonds issued pursuant to the Economic Recovery Bond Act and, for this purpose, are required to be paid into the Deficit Recovery Bond Retirement Sinking Fund Subaccount, a continuously appropriated fund, unless otherwise specified by law.

Because the bill would result in the deposit of moneys received from the sale of surplus state property into the Deficit Recovery Bond Retirement Sinking Fund Subaccount, which is continuously appropriated, the bill would make an appropriation.

~~Existing law designates the State Air Resources Board as the state entity responsible for the coordination and review of all levels of government in their efforts to control air pollution. Existing law provides that any facility that manufactures, formulates, uses, or releases any substance contained in a list compiled and maintained by the state board, as specified, must comply with the Air Toxics “Hot Spots” Information and Assessment Act of 1987.~~

~~This bill would require the state board to include in this list substances known to the state to potentially bioaccumulate in humans, as specified. The bill would also contain legislative findings about the need for the state to receive information regarding the use or release of persistent, bioaccumulative substances.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. (a) Subject to making the report required in
- 2     subdivision (b), the Director of General Services may sell,
- 3     exchange, or lease for fair market value or upon those terms and
- 4     conditions as the Director of General Services determines are in
- 5     the best interest of the state, all or any part of the following real
- 6     property:
- 7     Approximately 0.39 of an acre of unimproved property
- 8     thereon, located north of Golden Gate Avenue at Gough and
- 9     Franklin, San Francisco, San Francisco County.

1     **(b)** *Thirty days prior to completing the transaction authorized*  
2 *in subdivision (a), if the Director of General Services disposed of*  
3 *the property in any way other than by selling, exchanging, or*  
4 *leasing for fair market value, the director shall report to the*  
5 *chairs of the legislative fiscal committees the following:*

6     **(1)** *The financial terms of the transaction.*

7     **(2)** *A comparison of fair market value for the property and the*  
8 *terms listed in paragraph (1).*

9     **(3)** *The basis for agreeing to terms and conditions other than*  
10 *fair market value.*

11     **(c)** *Any sale, exchange, lease, or transfer of a parcel described*  
12 *in this section is exempt from Chapter 3 (commencing with*  
13 *Section 21100) to Chapter 6 (commencing with Section 21165),*  
14 *inclusive, of Division 13 of the Public Resources Code.*

15     ~~SECTION 1. The Legislature finds and declares all of the~~  
16 ~~following:~~

17     ~~(a) Persistent, bioaccumulative substances are long-lasting~~  
18 ~~substances that can build up in the food chain to levels that can~~  
19 ~~be harmful to human and ecological health. These substances can~~  
20 ~~be transported long distances in the atmosphere and can move~~  
21 ~~readily from land to air and water. Because of their persistence~~  
22 ~~and bioaccumulative properties, these substances do not break~~  
23 ~~down easily. Many of these substances are human-made and~~  
24 ~~have only been in existence for a relatively short period of human~~  
25 ~~history.~~

26     ~~(b) Many persistent, bioaccumulative substances are~~  
27 ~~associated with a range of adverse human health effects,~~  
28 ~~including effects on the nervous system, reproductive and~~  
29 ~~developmental problems, cancer, and genetic impacts. Particular~~  
30 ~~hazards may be posed to a developing fetus or to young children,~~  
31 ~~in whom critical organs, including the central nervous system,~~  
32 ~~are still under development. Also, certain individuals who~~  
33 ~~consume, for economic or cultural reasons, large amounts of fish~~  
34 ~~from local waters contaminated with persistent, bioaccumulative~~  
35 ~~substances may be at a higher risk for adverse effects.~~

36     ~~(c) In order to protect public health and the environment, as~~  
37 ~~well as to promote cleaner technologies and prevent pollution,~~  
38 ~~the Legislature believes that it is the public's right to know about~~  
39 ~~the release of persistent, bioaccumulative substances into their~~  
40 ~~homes, communities, and environment.~~

~~(d) For all of these reasons, it is essential that the state receive information regarding the use or release of persistent, bioaccumulative substances.~~

~~SEC. 2. Section 44321 of the Health and Safety Code is amended to read:~~

~~44321. For the purposes of Section 44320, the state board shall compile and maintain a list of substances that contains, but is not limited to, all of the following:~~

~~(a) Substances identified by reference in paragraph (1) of subdivision (b) of Section 6382 of the Labor Code and substances placed on the list prepared by the National Toxicology Program and issued by the United States Secretary of Health and Human Services pursuant to paragraph (4) of subsection (b) of Section 241 of Title 42 of the United States Code. For the purposes of this subdivision, the state board may remove from the list any substance which meets both of the following criteria:~~

~~(1) No evidence exists that it has been detected in air.~~

~~(2) The substance is not manufactured or used in California, or, if manufactured or used in California, because of the physical or chemical characteristics of the substance or the manner in which it is manufactured or used, there is no possibility that it will become airborne.~~

~~(b) Carcinogens and reproductive toxins referenced in or compiled pursuant to Section 25249.8, except those which meet both of the criteria identified in subdivision (a).~~

~~(c) Substances designated by the state board as toxic air contaminants pursuant to subdivision (b) of Section 39657 and substances on the candidate list of potential toxic air contaminants and the list of designated toxic air contaminants prepared by the state board pursuant to Article 3 (commencing with Section 39660) of Chapter 3.5 of Part 2, including, but not limited to, all substances currently under review and scheduled or nominated for review and substances identified and listed for which health effects information is limited.~~

~~(d) Substances for which an information or hazard alert has been issued by the repository of current data established pursuant to Section 147.2 of the Labor Code.~~

~~(e) Substances reviewed, under review, or scheduled for review as air toxics or potential air toxics by the Office of Air~~

1 ~~Quality Planning and Standards of the Environmental Protection~~  
2 ~~Agency, including substances evaluated in all of the following~~  
3 ~~categories or their equivalent: preliminary health and source~~  
4 ~~screening, detailed assessment, intent to list, decision not to~~  
5 ~~regulate, listed, standard proposed, and standard promulgated.~~

6 ~~(f) Any additional substances recognized by the state board as~~  
7 ~~presenting a chronic or acute threat to public health when present~~  
8 ~~in the ambient air, including, but not limited to, any~~  
9 ~~neurotoxicants or chronic respiratory toxicants not included~~  
10 ~~within subdivision (a), (b), (c), (d), or (e).~~

11 ~~(g) Any additional substance known to the state to potentially~~  
12 ~~bioaccumulate in humans, not otherwise included within this~~  
13 ~~section, but only if the substance has both of the following~~  
14 ~~characteristics:~~

15 ~~(1) A half-life greater than 60 days in marine water, greater~~  
16 ~~than 40 days in fresh water, or greater than 180 days in soil or~~  
17 ~~sediment.~~

18 ~~(2) A bioconcentration factor in aquatic species greater than~~  
19 ~~1,000, or in the absence of this kind of data, an octanol-water~~  
20 ~~partition coefficient greater than four “Bioconcentration factor”~~  
21 ~~for the purposes of this paragraph means the concentration of a~~  
22 ~~chemical in an organism divided by its concentration in a test~~  
23 ~~solution or environment.~~